

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

**NORRIS L. MCCASKILL, and
NANCY MCCASKILL**

Plaintiffs,

vs.

CIVIL ACTION 1:07-cv-01109-JDT-STA

**LIFE INVESTORS INSURANCE
COMPANY OF AMERICA,
f/k/a EQUITY NATIONAL LIFE
INSURANCE COMPANY,**

Defendant.

**AGREED ORDER LIMITING AMOUNT IN
CONTROVERSY AND REMANDING ACTION**

THIS MATTER having come before the Court upon removal from the Chancery Court of Chester County, Tennessee by Defendant Life Investors Insurance Company of America f/k/a Equity National Life Insurance Company (hereinafter “Life Investors”); and the Plaintiffs Norris L. McCaskill and Nancy McCaskill (the “Plaintiffs”) having since stipulated and agreed to seek an amount in controversy of less than the jurisdictional minimum of this Court under 28 U.S.C. § 1332(a); and the Court having reviewed and considered the Joint Stipulation of the Parties Limiting the Amount in Controversy and Agreeing to Remand, and being otherwise advised in the premises, it is hereby ORDERED AND ADJUDGED as follows:

1. The damages or award that the Plaintiffs may recover, if any, for claims that the Plaintiffs assert or could in the future assert in this action, individually for each Plaintiff or jointly for both Plaintiffs, against Life Investors, including but not limited to any and all claims

made or that could be made arising out of or in any way related to cancer insurance policy no. 00E925559 issued by Life Investors to Norris L. McCaskill, shall not exceed the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive only of interest and costs.

2. The Court accepts the Plaintiffs' irrevocable stipulation that they shall not demand nor accept any award of damages (including compensatory damages, punitive damages, attorneys' fees, or any other form of damages or monetary award), for each Plaintiff individually or for both Plaintiffs jointly, in an amount that exceeds \$75,000.00, and the Court orders that, should the Plaintiffs (individually or jointly) hereafter be awarded any amount that exceeds \$75,000.00, the Plaintiffs shall remit and return to Life Investors that portion of any such award that exceeds \$75,000.00.

3. Based on the parties' Joint Stipulation, the Plaintiffs shall not at any time amend or move for leave to amend their pleadings to seek or demand damages or other relief in excess of \$75,000.00, individually or in the aggregate, exclusive of interest and costs; nor shall the Plaintiffs amend their pleadings to add additional plaintiffs or claims on behalf of any other persons. The Plaintiffs will not at any time argue that they are entitled to damages or any other relief (including attorneys' fees) in excess of \$75,000.00, exclusive of interest and costs; nor will they offer evidence to that effect, or seek a jury award in excess of \$75,000.00, exclusive of interest and costs; nor will they request entry of a judgment in excess of \$75,000.00, exclusive of interest and costs.

4. This Order reflects the Joint Stipulation of the parties and shall be binding upon the Plaintiffs and their heirs, successors, assigns, and any other persons seeking to claim under or on behalf of the Plaintiffs.

5. In light of the Joint Stipulation of the parties, this case is hereby remanded to the Chancery Court of Chester County, Tennessee for further proceedings consistent with the terms of this Order.

SO ORDERED AND ADJUDGED, this the 20th day of June, 2007.

s/James D. Todd
DISTRICT COURT JUDGE

SUBMITTED AND AGREED BY:

J. Brandon McWherter
By A. Scott Ross w/ Permission
J. BRANDON McWHERTER, ESQ.
Attorney for Plaintiffs Norris L. McCaskill
and Nancy McCaskill

A. Scott Ross
Attorney for Defendant Life Investors Insurance
Company of America (f/k/a Equity National Life
Insurance Company)

CERTIFICATE OF SERVICE

I hereby certify that I have placed a true and exact copy of the foregoing in the United States mail, postage prepaid, addressed as follows:

J. Brandon McWherter, Esq.
Clinton H. Scott, Esq.
Spragins, Barnett & Cobb, PLC
312 E. Lafayette Street, P.O. Box. 2004
Jackson, TN 38302
Counsel for Plaintiffs

This 18th day of June 2007.

_____/s/ A. Scott Ross